

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES DAVIS, JR.,	§
	§ No. 696, 2009
Plaintiff Below,	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
CORRECTIONAL OFFICER	§ in and for New Castle County
JOHNSON, <i>et al.</i> ,	§ C.A. N09C-10-218
	§
Defendants Below,	§
Appellees.	§

Submitted: February 22, 2010

Decided: March 4, 2010

ORDER

This 4th day of March 2010, it appears to the Court that, on February 5, 2010, the Clerk issued a notice to appellant to show cause why this appeal should not be dismissed for his failure to diligently prosecute the appeal by not filing his opening brief and appendix in this matter. The appellant has failed to respond to the notice to show cause within the required ten-day period; therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice